

REMARKS

Claims 1-12 are pending in this application. By this Amendment, claims 1 and 7 are amended. Reconsideration of the application is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claim 1 under 35 U.S.C. §112, second paragraph. Claim 1 is amended to overcome the rejection and now fulfills the requirements of 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §112, second paragraph, is respectfully requested.

The Office Action rejects claims 1-5 and 7-11 under 35 U.S.C. §103(a) over McQuade et al. (U.S. Patent No. 6,362,734) in view of Spoto et al. (U.S. Patent No. 6,278,358); and claims 6 and 12 under 35 U.S.C. §103(a) over McQuade and Spoto in view of Slaughter (U.S. Patent No. 6,215,395). The rejections are respectfully traversed.

In particular, none of the applied references, alone or in combination, disclose or suggest a seatbelt use indicating apparatus or a seatbelt use indicating method that includes a use indicator that indicates by displaying a glow that the seatbelt is used, a non-use indicator that indicates by displaying a glow that the seatbelt is not used, wherein the glow is at least one of a flickering glow and a combination of a continuous glow and the flickering glow, and the displayed glow of the non-use indicator is brighter than the displayed glow of the use

indicator, as indicated in independent claim 1 and similarly indicated in independent claim 7. Support for these features can be found in the specification at, for example, paragraph [0055].

McQuade teaches a system for monitoring the secured/unsecured status of seatbelts in rear seating rows of a vehicle that notes the number and/or location of seatbelts secured at a base time when all doors are closed and the vehicle starts in motion (Abstract). McQuade also teaches that a visual alert message is displayed by the status display 16 to indicate that at least one of the belts has become unsecured, which triggers the "belt unsecured" state (col. 5, lines 29-34; Fig. 2). Moreover, the Office Action admits that McQuade fails to disclose or suggest the non-use indicator that indicates by displaying a glow that turns off after an amount of time (Office Action, page 3, lines 7-8). However, although McQuade teaches that the symbols 52 are illuminated in a first color when the seatbelt has been fastened and in a second color when the seatbelt is unsecured (col. 6, lines 40-44) and thus only teaches a continuous glow, McQuade does not disclose or suggest that the symbols are displayed at a flickering glow and a combination of a continuous glow and the flickering glow, recited in independent claims 1 and 7. Moreover, McQuade fails to disclose or suggest that the displayed glow of the non-use indicator is brighter than the displayed glow of the use indicator, as also recited in independent claims 1 and 7. Although the Patent Office attempts to interpret the non-use indication being turned off as being a "brightness of zero", independent claims 1 and 7 clearly claim a displayed glow. A light that is turned off is not a displayed glow, because a light that is turned off is simply not displayed. Thus, interpreting a light that is turned off as being a displayed light is inaccurate because there is no display when the light is turned off as in McQuade.

Spoto teaches a secondary seatbelt warning system for alerting a vehicle occupant when a seatbelt is unbuckled (Abstract). Moreover, Spoto teaches that the secondary seatbelt warning system 10 is activated and the seatbelt indicator 22 in the control module 12 is

actuated (col. 3, line 66 - col. 4, line 1). Thus, it is clear that Spoto teaches that the seatbelt indicator 22 and the belt warning system are activated continuously, and thus fails to disclose or suggest a glow that is at least one of a flickering glow and a combination of a continuous glow and the flickering glow as recited in independent claims 1 and 7. Moreover, Spoto fails to disclose or suggest that the displayed glow of the non-use indicator is brighter than the displayed glow of the use indicator, as recited in independent claims 1 and 7.

For at least these reasons, Spoto fails to cure deficiencies in McQuade in disclosing or rendering obvious the features of independent claims 1 and 7. Thus, independent claims 1 and 7, and their dependent claims, are patentable over a combination of Spoto and McQuade.

Slaughter teaches a system for monitoring the usage of individual vehicular seatbelts wherein each belt is equipped with a local indicator which is adapted to indicate when a seatbelt is not properly fastened (Abstract). However, Slaughter fails to cure deficiencies in Spoto and McQuade in disclosing or rendering obvious a seatbelt use indicating apparatus and a seatbelt use indicating method as claimed in independent claims 1 and 7.

For at least these reasons, independent claims 1 and 7, and their dependent claims, are patentable over a combination of all the applied references. Thus, withdrawal of the rejections of the claims under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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